

## FAX TRANSMISSION

US EPA RECORDS CENTER REGION 5



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Coversheet + 2 Page(s)PRIVILEGED & CONFIDENTIAL

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Enclosed are two additional revisions to the Consent Decree draft regarding the O&M Work. Additionally, SECOR (Mark Baker) is following up with RPM Jon Peterson today with final comments on the O&M Plan.

Charlie Denton

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waste materials generated by commercial, institutional, and industrial sources, to the extent such wastes (A) are essentially the same as waste normally generated by households, or (B) are collected and disposed of with other municipal solid waste or sewage sludge as part of normal municipal solid waste collection services and, regardless of when generated, would be considered conditionally exempt small quantity generator waste under regulations issued pursuant to Section 3001(d)(4) of the Solid Waste Disposal Act (42 U.S.C. § 6921(d)(4)). Examples of Municipal Solid Waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste. The term does not include combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

"National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

"Operation and Maintenance" or "O&M" shall mean all activities required to operate and maintain the effectiveness of the Remedial Action as required under ~~specified in~~ the Operation and Maintenance ~~O&M~~ Plan approved by EPA pursuant to this Consent Decree, ROD, the Remedial Design, and to be undertaken by the City and Decker.

~~"O&M Performance Standards" shall mean the measures of achievement of the O&M Work as set forth in the ROD, the Remedial Design, and O&M Work Plan.~~

regard to the *quantitative remedial groundwater cleanup* standard.

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*Consent of the Plaintiff (Sec. 3.2.18)  
afforded by Work Plan*

4.1. In addition to any other requirement of this Consent Decree, Settling O&M Defendants shall submit to EPA and the State two (2) copies of written quarterly O&M progress reports that: (a) describe the actions which have been taken to maintain compliance with this Consent Decree during the previous quarter; (b) include a summary of all results of sampling and tests and all other data received or generated by Settling O&M Defendants or their contractors or agents in the previous quarter; (c) identify all O&M Plans, plans and other deliverables required by this Consent Decree completed and submitted during the previous quarter; (d) describe all actions, including, but not limited to, data collection and implementation of O&M Plans, which are scheduled for the next six months; (e) include information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Work, and a description of efforts made to mitigate those delays or anticipated delays; (f) include any modifications to the work plans or other schedules that Settling O&M Defendants have proposed to EPA or that have been approved by EPA; and (g) describe any activities undertaken in support of the Community Relations Plan during the previous six months and those to be undertaken in the next six months. Settling O&M Defendants shall submit these progress reports to EPA, the Settling R&D Defendants, and the State by the tenth day of every three months following the lodging of this Consent Decree until EPA notifies the Settling O&M Defendants pursuant to Paragraph 5.9.b of Section XV, Certification of Completion. If requested by EPA, Settling O&M Defendants shall also provide meetings for EPA to discuss the progress of the Work.

12. The Settling O&M Defendants shall notify EPA of any change in the schedule described in the biannual quarterly progress report for the performance of any activity, including, but not limited to, data collection and implementation of O&M Plans, no later than seven days prior to the performance of the activity.